IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. JUSTICE V.V.S.RAO

WRIT PETITION NO : 8894 of 2001

Between:

1 Attaluri Ranga Mohana Rao S/o Venkata Gopala Rao
Door No.24-27-27, 2nd floor, Vigneswara Temple Street, Durgapuram,

Vijayawada-3
2 Attaluri Hymavathi, W/o Ranga Mohan Rao
Door No.24-27-27, 2nd floor, Vigneswara Temple Street, Durgapuram,

Vijayawada-3
3 Thota Devi Kumari W/o Purna Sivarama Prasad
Kovvur Cooperative Sugar Factory Quarters, Kovvur, Nellore Dist.
4 Dasari Manjula W/o Srinivasa Rao
Door No.57-7-2/1, New P& T Colony Road, Vijayawada-6.

(petitioners 2 to 4 being minors represented by their G.P.A.

Attaluri Ranga Mohana Rao, petitioner No.1 herein)

..... PETITIONERS

AND

1 The Commisisoner, Excise & Prohibition, Hyderabad
2 The Dy.Commisisoner, Excise & Prohibition, Guntur.
3 The Superintendent, Excise & Prohibition, Guntur.
4 Paruchuri Leela Venkata Ratnam Prop: Sri Lakshmi Ganesh Liquors,

S/o Late Venkata Krishanai, D.No.10-14-45(2), Opp: APSRTC.,

Bus Stand, Main Road, Repalle 522 265, Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring he renewal of IL-24 licence granted by third respondent in favour of the fourth respondent for running the liquor business in shop bearing Door No.10-14-45(2), Opp: APSRTC Bus Stand, Repalle 522 265, Guntur Dist, for the year 2001-2002 as illegal,

arbitrary & contrary to provisions of the A.P. Excise Act, 1968 & A.P., Indian Liquor & Foreign Liquor Rules 1970 and consequently set side the licence.

Counsel for the Petitioner: MR.P.R.PRASAD

Counsel for the Respondent Nos.1 to 3: G.P. FOR EXCISE

Counsel for the Respondent No.4: MR.A.JAGANNATHA RAO

The Court made the following:

ORDER:

The petitioners are residents of Durgapuram, in Vijayawada. They are aggrieved by the action of third respondent in renewing licence in form IL-24 in favour of fourth respondent for the year 2001-2002. They contend that they are owners of the property bearing No.10-14-45(2) situated at Repalle, which was leased out to fourth respondent for a period of three years. After expiry of lease on 31.3.2001 they issued a notice dt.2.3.2001 to fourth respondent to vacate and handover possession. In view of the same, it is alleged that third respondent directed fourth respondent to shift the premises where he was running a wine shop to other premises. The petitioners also allege that fourth respondent also submitted application for shifting, but in spite of the same, third respondent renewed licence for the year 2001-2002 though the petitioners are not willing to lease the premises to fourth respondent.

Notwithstanding the submission raised in this Writ Petition to Rule 29(3)(b) of the Indian Liquor and Foreign Liquor Rules, 1970, petitioners are not entitled for any relief. The fourth respondent was admittedly given renewal of licence for the year 2001-2002 which expired on 31.3.2002. Further, this Court passed interim orders dt.6.6.2001 in W.P.M.P.No.11297 of 2001 suspending proceedings of third respondent dt.6.4.2001 whereby and whereunder the licence of fourth respondent was renewed upto 31.3.2002. In view of the same, nothing survives in the Writ Petition.

The Writ Petition is accordingly dismissed as infructuous. No costs.

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(V.V.S.RAO, J)

1.7.2005

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To

1 The Commissioner, Excise & Prohibition, Hyderabad
2 The Dy. Commisisoner, Excise & Prohibition, Guntur.
3 The Superintendent, Excise & Prohibition, Guntur.

4 2 CCs to G.P. for Prohibition and Excise,

High Court Bldgs., Hyderabad (OUT)

5 2 CDs.